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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products  
16 Liability Litigation

No. MD-15-02641-PHX-DGC

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**VERIFIED NOTICE OF ERRATA AND  
PLAINTIFFS' NOTICE OF LODGING  
DOCUMENT UNDER SEAL TO PLAINTIFFS'  
CONTROVERTING STATEMENT OF FACTS  
IN OPPOSITION TO BARD'S MOTION FOR  
SUMMARY JUDGMENT REGARDING  
PREEMPTION**

22 Plaintiffs, through Mark S. O'Connor, co-lead counsel for Plaintiffs, hereby notifies  
23 the Court and parties that Exhibit 3 to Plaintiffs' Controverting Statement of Facts In  
24 Opposition to Bard's Motion for Summary Judgment Regarding Preemption [Doc. 7374]  
25 ("CSOF"), David A. Kessler Second Supplemental Report, was inadvertently filed without  
26 the full complement of exhibits attached to his underlying report. The revised attached  
27 CSOF Exhibit 3 contains the report exhibits, and should be substituted for the previously-  
28 lodged CSOF Exhibit 3. Mr. O'Connor declares under penalty of perjury that the additional

1 documents appended to Dr. Kessler's Second Supplemental Report are true and correct  
2 copies of documents produced by Bard in this litigation produced by Bard or other parties  
3 in this litigation and are what they purport to be, as further stated in the report of Dr. Kessler.

4 Exhibits A, B, C, D, G, H, I, J, K and L are attached and filed herewith with this  
5 Notice of Errata. Exhibit E and F will be lodged under seal.

6 Plaintiffs provide notice that, pursuant to LRCiv 5.6(d), they have lodged with the  
7 Court under seal Exhibit 3 to Plaintiffs' Controverting Statement of Facts In Opposition to  
8 Bard's Motion for Summary Judgment Regarding Preemption [Doc. 7374], David A.  
9 Kessler Second Supplemental Report including exhibits as referenced above.

10 RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of September, 2017.

11 GALLAGHER & KENNEDY, P.A.

12 By:/s/ Mark S. O'Connor

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23 **CERTIFICATE OF SERVICE**

24 I hereby certify that on this 15<sup>th</sup> day of September, 2017, I electronically transmitted  
25 the attached document to the Clerk's Office using the CM/ECF System for filing and  
26 transmittal of a Notice of Electronic Filing.

27 /s/ Gay Mennuti